

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Southeastern Public Service Authority
Co-Operator Name:	Suffolk Energy Partners, L.P.
Facility Name:	Suffolk Regional Landfill
Facility Location:	1 Bob Foeller Drive, City of Suffolk, Virginia

Registration Number:	61341
Permit Number:	VA-61341

_____November 28 2002_____
Effective Date

_____November 27, 2007_____
Expiration Date

_____(for)
Robert G. Burnley
Director, Department of Environmental Quality

_____January 31, 2005_____
Signature Date

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I. Facility Information

Permittee

Southeastern Public Service Authority
723 Woodlake Drive
Chesapeake, Virginia 23320

Responsible Official

Mr. John S. Hadfield, P.E.
Executive Director

Facility

Suffolk Regional Landfill
1 Bob Foeller Drive
Suffolk, Virginia 23434

Contact Person

Ms. Amy Hardy
Environmental Compliance Coordinator
757-420-4700

Co-Operator

Suffolk Energy Partners, L.P.
40 Tower Lane / 1st Floor
Avon, CT 06001

Contact Person

Jamie Margaritas
Facility Manager
757-538-2513 / cell 757-576-9576

Identification Number: 51-800-0121

Facility Description: SIC Code 4953 – The source is a municipal solid waste landfill with a tire shredder installation, leachate collection system, and a landfill gas collection and control system. An energy recovery plant operated by another company with the name; ‘Suffolk Energy Partners, L.P.’ operates combustion equipment, which includes four engines and a flare. Power Generation (Registration No. 61137) obtained a NSR permit dated August 18, 1995, for the operation of the combustion equipment. At this time, Suffolk Energy Partners, L.P. is also the primary operator of the landfill gas collection and control system. SPSA is reliant on Suffolk Energy Partners, L.P. to maintain and operate the GCCS equipment and the combustion/control equipment. And Suffolk Energy Partners, L.P. is reliant on SPSA to provide the landfill gas for treatment and use in the generators. For purposes of Title V permitting, EPA guidelines find that the business relationship between SPSA and Suffolk Energy Partners, L.P. creates a single entity that requires only one Title V permit. Regulations often refer to the landfill ‘owner’ or ‘operator’. SPSA will remain the sole owner of the landfill, but it is evident that landfill operations are shared between SPSA and Suffolk Energy Partners, L.P.. Those areas of the permit that require monitoring, recordkeeping, reporting, etc., are the responsibility of the entity created from SPSA and Suffolk Energy Partners, L.P.. It will be necessary for the two parties to expand their contracts and/or agreements to address those action items required by Federal Regulations and listed in the Title V permit.

The Suffolk Regional landfill first began receiving waste on January 22, 1985 under authority of a permit issued by Virginia Department of Waste Management. The initial design capacity of the landfill was greater than 2.5 million megagrams of waste, so the landfill was subject to the New Source Performance Standard, Subpart WWW when the ‘Initial Design Capacity’ report was signed. Since that time, the landfill has been expanded and thereby modified under the definitions for permitting. Initially below the threshold Tier II calculations for NMOC emissions, the facility has recently reported calculations that exceed the threshold of 50 megagrams of NMOC in a year (report of June 7, 2002 at 66.99 megagrams). With the addition of ‘cell #5’ to the landfill design, the current landfill design capacity exceeds eight million megagrams of waste capacity. Suffolk Regional landfill is permitted to fill up to 173 feet vertical, accept waste at an annual rate of 345,000 tons per year, with average compaction producing 1215 pounds per cubic yard in place. SPSA projects the remaining life of the landfill to be 5.8 years after closure of cells I-IV, or sometime during 2006. Recent innovations in the handling of landfill gas which will be transported to another facility for use as process fuel, has prompted a change in the NSPS applicability. For many reasons, one of which is to reduce the moisture content of the landfill gas, the gas is subjected to a ‘treatment’ process. Treatment involves three distinct physical processes; (1.) some type of dewatering which may be a cooling process or refrigeration, (2.) filtering through a fine screen type of filter at approximately 10 microns, to capture particulate, and (3.) compression to a psi level that will support a fuel burning device. In lieu of the approval of amendments to the NSPS, Subpart WWW, which are expected to relax the requirements pertaining to the destruction of NMOC’s, an interim waiver has been granted to SPSA by the EPA, Region III, to dispense with the initial performance testing of the engines.

Considering the extent of the physical treatment processes applied to the landfill gas stream, at the SPSA landfill, this facility is now subject to regulations at 40 CFR 60.752(b)(2)(iii)(C). Under this section of the NSPS, “landfill gas collected from a MSW landfill may either be combusted in an appropriate control device or routed to a “treatment system that processes the collected gas for subsequent sale or use”. The direct result of this determination by the EPA is that an initial performance test for the engines at Suffolk Energy Partners, L.P. will not be required at this time.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
FL-1	STK0	LFG Specialties Utility Flare	1500 scfm	no additional devices	FL-1	NMOC's	August 18, 1995
GEN-1	STK1	Caterpillar generator set, G3516, #4EK00178	820KW	no additional devices	GEN-1	NMOC's	August 18, 1995
GEN-2	STK2	Caterpillar generator set, G3516, #4EK00179	820KW	no additional devices	GEN-2	NMOC's	August 18, 1995
GEN-3	STK3	Caterpillar generator set, G3516, #4EK00177	820KW	no additional devices	GEN-3	NMOC's	August 18, 1995
GEN-4	STK4	Caterpillar generator set, G3516, #4EK00175	820KW	no additional devices	GEN-4	NMOC's	August 18, 1995
Process A							
LFO-1	1A	Landfill Operations	6.58 mm Mg	None	LFO-1	NMOC's	None
Process B							
GCCS	1B	Gas Collection and Control System	4500 scfm	None	GCCS	NMOC's	None
MAINT	1C	Vehicle and other facility equipment maintenance	N/A	None	--	VOC	None
08	N/A	Fugitive Dust	N/A	None	--	PM	None

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

III. Landfill Operations and Fuel Burning Equipment Requirements – (emission unit ID# FL-1, GEN-1, GEN-2, GEN-3 and GEN-4)

A. Limitations

1. **The GCCS System** - The permittee shall install an active collection and control system, approved by the Administrator that captures the gas generated within the landfill, by December 7, 2004. The GCCS previously installed at the Suffolk Regional Landfill has not been certified under 40 CFR 60.752 (b)(2)(ii)(A). The active collection system shall be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment. The system shall collect gas from each cell in the landfill in which solid waste has been placed for a period of 5 years or more if active or 2 years or more if closed or at final grade. The system shall collect gas at a sufficient extraction rate to meet all operational requirements. Also, the system shall be designed to minimize the off-site migration of subsurface gas. Based on the SPSA report of June 6, 2002 that describes the calculated NMOC rate for 2002 as 66.99 megagrams, SPSA shall submit a design plan for the GCCS no later than June 6, 2003.
(9 VAC 5-80-110, 40 CFR 60.752 (b)(2)(ii)(A) and 40 CFR 60.753(a))
2. **NMOC Emission Controls** - The collection system shall route all collected gas to one or more of the following devices where it is combusted: FL-1, GEN-1, GEN-2, GEN-3, GEN-4 and OS-1. FL-1 shall be designed and operated in accordance with 40 CFR 60.18.
(9 VAC 5-80-110, 9 VAC 5-80-40, 40 CFR 60.752 (b)(2)(iii), 40 CFR 60.756(b)(1))
3. **GCCS Operation** – The permittee shall operate the system such that negative pressure is maintained at each active wellhead except in case of fire or increased well temperature. Additionally, the permittee shall operate each interior, active wellhead in the collection system such that the gas temperature is less than 55 degrees C and with either nitrogen level less than 20% or an oxygen level less than 5%.
(9 VAC 5-80-110, 40 CFR 60.753(b) & (c))
4. **Control of Surface Methane** – The permittee shall operate the collection system such that the surface methane concentration is less than 500 ppm above the background level at the surface of the landfill. The permittee shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. Areas with steep slopes or other dangerous areas such as the working face of the landfill may be excluded after receiving approval from the Director, Tidewater Regional Office
(9 VAC 5-80-110 and 40 CFR 60.753(d))

5. **Operating Parameters** – The provisions for oxygen, nitrogen, temperature, pressure and surface methane concentrations shall apply at all times except during periods of start up, shut down, or malfunction, provided that the duration of start up, shut down, or malfunction does not exceed 5 days for collection systems and does not exceed 1 hour for treatment or control devices.
(9 VAC 5-80-110 and 40 CFR 60.755(e))
6. **GCCS Shut down** - The permittee shall operate the system such that all collected gas is routed to the control devices. In the event that the system is inoperable, the GCCS gas moving equipment shall be shut down and all vents to the atmosphere shall be closed within 1 hour.
(9 VAC 5-80-110 and 40 CFR 60.753(e))
7. **Operational Integrity** – The permittee shall operate the control equipment so that the gas is combusted and the NMOC's are controlled by either the flare, FL-1, or the engines, GEN-1, GEN-2, GEN-3, GEN-4 or off-site device, OS-1. During normal operations, all of the gas collected by the GCCS shall be routed to a control device and combusted.
(9 VAC 5-80-110 and 40 CFR 60.753(f))
8. **Placement of New Wells** – The permittee shall place each well or design component as specified in the GCCS design plan and shall install wells no later than 60 days after the date on which the initial solid waste has been in place in any cell or group of cells for a period of 5 years or more if active or 2 years or more if closed or at final grade.
(9 VAC 5-80-110 and 40 CFR 60.755(b))
9. **NSPS Subpart WWW** – The municipal solid waste landfill, as well as the GCCS shall be constructed and operated in accordance with 40 CFR 60 Subpart WWW.
(9 VAC 5-80-110 and 40 CFR 60.)
10. **Approved Fuels** - The approved fuel for the engines and flare is landfill gas. No makeup fuel is authorized in conjunction with the operation of the Gas Control and Collection System (GCCS). Any request to add a new fuel may require a permit modification.
(9 VAC 5-80-110 and Condition #4 of NSR permit issued August 18, 1995)
11. **Throughput Limit** - The four internal combustion engines (combined) shall consume no more than 656 million cubic feet of landfill gas per year at standard atmospheric conditions (68 °F and 14.7 psi), calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110 and Condition #5 of NSR permit issued August 18, 1995)
12. **Fugitive Dust Emissions** - Fugitive dust and fugitive emissions controls shall include the following, or equivalent, as a minimum:

- a. All cover material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions as appropriate.
 - b. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals or equivalent methods approved by the DEQ.
 - c. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. These measures shall include paving the entrance road to the facility up to the vicinity of the process areas. Trucks leaving the site shall have clean wheels – achieved by use of a wheel washer or equivalent. Dirt, product or raw material spilled or tracked onto paved surfaces shall be promptly removed or wetted to prevent particulate matter from becoming airborne.
 - d. Effective speed controls for through traffic shall be implemented at the facility.
(9 VAC 5-80-110, 9 VAC 5-50-20 and 9 VAC 5-50-90)
13. Emissions from the operation of the landfill gas combustion devices; GEN-1, GEN-2, GEN-3 and GEN-4 (combined) shall not exceed the limits specified below:
- | | |
|--|--------------|
| Total Particulate | 5.3 tons/yr |
| PM-10 | 5.3 tons/yr |
| Nitrogen Oxides (as NO ₂) | 63.0 tons/yr |
| Carbon Monoxide | 82.3 tons/yr |
| Volatile Organic Compounds (as NMOC's) | 29.8 tons/yr |
- Annual emissions are to be determined for each 12-month consecutive period.
(9 VAC 5-80-110 and Condition #8 of NSR permit issued August 18, 1995)
14. **Facility Wide Emission Limits** - Emissions from the operation of the landfill based on all expected emissions using data from Calendar Year 2001 emission estimates:
- | | |
|--|---------------|
| Total Particulate/PM-10 | 21.2 tons/yr |
| Sulfur Dioxide | 7.9 tons/yr |
| Nitrogen Oxides (as NO ₂) | 103.8 tons/yr |
| Carbon Monoxide | 283.7 tons/yr |
| Volatile Organic Compounds (as NMOC's) | 29.8 tons/yr |
- Annual emissions are to be determined for each 12-month consecutive period.
(9 VAC 5-80-110 and 40 CFR 60.752(b)(2)(iii)(A)&(B))

15. Visible Emissions from each internal combustion engine exhaust stack shall not exceed five (5) percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). A visible emissions evaluation (VEE) shall be conducted on each engine exhaust stack. This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-50-80, 9 VAC 5-80-110 and Condition #9 of NSR permit issued August 18, 1995)
16. The flare, when it is being utilized, shall be operated with no visible emissions as determined by EPA method 22 except for periods not to exceed a total of 5 minutes during 2 consecutive hours. This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110 and 40 CFR 60.18)
17. Combustion equipment emissions shall be controlled by proper operation and maintenance. Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)
18. A copy of the August 18, 1995 permit shall be maintained on the premises of all facilities to which it applies.
(9 VAC 5-80-110 and Condition #17 of NSR permit issued August 18, 1995)

B. Monitoring

1. **Well Pressure** - The permittee shall measure gauge pressure in the header at each individual active well monthly. If a positive pressure exists, corrective action shall be taken within 5 calendar days of the exceedance. If a negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the system shall be expanded within 120 days of the initial measurement of positive pressure.
(9 VAC 5-80-110 and 40 CFR 60.755(a)(3))
2. **Well Parameters** - The permittee shall monitor each active well monthly for temperature and nitrogen or oxygen. If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance.
(9 VAC 5-80-110 and 40 CFR 60.755(a)(5))

3. **Surface Methane** - The permittee shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that transverses the landfill at 30 meter intervals for each collection area for which waste has been in place for two or more years if closed or at final grade or for which waste has been in place for five or more years if active. This surface methane monitoring shall take place on a quarterly schedule. Areas with steep slopes or other dangerous areas such as the working face may be excluded from this monitoring after receiving approval from the Director, Tidewater Regional Office
(9 VAC 5-80-110 and 40 CFR 60.755(c)(1))
4. **Exceedances** – Any reading of surface methane of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the actions specified below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements.
 - a. The location of the exceedance shall be marked and recorded.
 - b. The permittee shall perform cover maintenance or make adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of the exceedance. The location shall be remonitored within 10 calendar days of detecting the exceedance.
 - c. If the remonitoring of the location shows a second exceedance, the permittee shall take additional corrective action and shall monitor the location again within 10 days of the second exceedance. If the remonitoring shows a third exceedance for the location, the permittee shall install a new well or other collection device within 120 calendar days after the initial exceedance.
 - d. Any location that initially showed an exceedance but has methane concentration less than 500 ppm above background at the 10-day remonitoring shall be remonitored 1 month from the initial exceedance. If the 1 month remonitoring shows a concentration less than 500 ppm above background, no further monitoring of that location is required until the next quarterly monitoring. If the 1-month remonitoring shows an exceedance, the permittee shall repeat the requirements of either paragraph (c) or (e) of this condition.
 - e. For any location where the monitored methane concentration equals or exceeds 500 ppm above background 3 times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes, or control devices, and a corresponding timeline for installation may be submitted to the Director, Tidewater Regional Office.
(9 VAC 5-80-110 and 40 CFR 60.755(c)(4))

5. **Cover Integrity** - The permittee shall implement a program to monitor for cover integrity and accomplish cover repairs as necessary on a monthly basis.
(9 VAC 5-80-110 and 40 CFR 60.755(c)(4))
6. **Sampling Ports** - The permittee shall install a sampling port and a port for temperature measurements at each wellhead. The permittee shall measure the gauge pressure in the gas collection header on a monthly schedule. The permittee shall monitor nitrogen or oxygen concentration in the landfill gas on a monthly schedule. The permittee shall monitor temperature of the landfill gas on a monthly schedule.
(9 VAC 5-80-110 and 40 CFR 60.756(a))
7. **Monitoring Devices** - The GCCS shall be equipped with a gas flow rate-measuring device that shall record the flow to all the combustion equipment at least every 15 minutes. Individual gas volumes to the (1) Engines, (2) Flare, and (3) Offsite processes shall be recorded on a daily basis. The flare shall be equipped with a temperature-monitoring device equipped with a continuous recorder to ensure the proper operation of the flare on a continuing basis.

Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the GCCS is operating.

(9 VAC 5-80-110, 9 VAC 5-50-20, 40 CFR 60.756(b)&(c) and Condition #3 of NSR permit issued August 18, 1995)

8. **Periodic Monitoring** - The permittee or co-operator shall perform periodic visual evaluations of each engine once each day, Monday through Friday, when operating, for compliance with the opacity standards for fuel burning equipment. If such periodic evaluations indicate any visible emissions, the permittee shall take appropriate action, immediately, to return the unit to normal operation such that no visible emissions exist. If such corrective action fails to correct the problem, the permittee or co-operator shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 9 (reference 40 CFR 60, Appendix A). If a method 9 evaluation and/or corrective action becomes necessary, the permittee shall record the details of the incident in a logbook. The logbook shall be kept on site and available for inspection by the DEQ for the most recent five year period.
(9 VAC 5-80-110 E)

9. **Periodic Monitoring** - The permittee or co-operator shall perform periodic visual evaluations of the flare once each day, Monday through Friday, when operating, for compliance with the opacity standards for fuel burning equipment. If such periodic evaluations indicate any visible emissions, the permittee shall take appropriate action, immediately, to return the unit to normal operation such that no visible emissions exist. If such corrective action fails to correct the problem, the permittee or co-operator shall conduct a visible emissions evaluation (VEE) utilizing EPA Method 22 (reference 40 CFR 60, Appendix A). If a method 22 evaluation and/or corrective action becomes necessary, the permittee or co-operator shall record the details of the incident in a logbook. The logbook shall be kept on site and available for inspection by the DEQ for the most recent five year period.
(9 VAC 5-80-110 E)

C. Recordkeeping

1. The permittee shall record and maintain a log of well inspections that indicates a positive pressure had existed and the corrective action taken to alleviate the abnormal condition at the wellhead.
(9 VAC 5-80-110 and 40 CFR 60.753(b)(1))
2. **Surface Monitoring Plan** – The permittee shall develop and maintain a surface monitoring design plan that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals.
(9 VAC 5-80-110 and 40 CFR 60.752(d))
3. **Design Capacity** – The permittee shall keep for at least 5 years, current, readily accessible, on site records of the design capacity report, based on the original report, dated May 1, 1996; the current amount of waste in place; and the annual placement rates for solid waste. Off site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats, approved by DEQ, are acceptable.
(9 VAC 5-80-110 and 40 CFR 60.758(a))
4. The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit and 40 CFR 60.758. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. The annual throughput of landfill gas to (1) Engines, (2) Flare, and (3) Offsite processes, calculated monthly as the sum of each consecutive 12-month period.
 - b. The total annual throughput of landfill gas, calculated monthly as the sum of each consecutive 12-month period.
 - c. The annual placement of MSW in the landfill calculated monthly as the sum of each consecutive 12-month period.

- d. All GCCS and engine/flare system monitoring information, including observations of opacity as noted under the Monitoring Requirements, above.
 - e. All visual emissions observations and evaluations for the engines and flare including the date and time of the observations, whether or not visible emissions were noted, the results of any Method 9 or Method 22 VEE's and any corrective action taken.
 - f. The content and format of any such additional records shall be arranged with the Tidewater Regional Office. All records required by this condition and Subpart WWW (40 CFR 60.758) shall be available for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-410, 9 VAC 5-80-110 and 40 CFR 60.758)
5. **Operating Parameters** – The permittee shall maintain for 5 years, readily accessible continuous records of the following monitoring observations:
- a. Wellhead gauge pressures measured monthly
 - b. Wellhead temperatures measured monthly
 - c. Wellhead nitrogen or oxygen concentrations measured monthly
 - d. Flow rates to, or bypassing, the control devices
 - e. Results of quarterly surface methane monitoring
 - f. Malfunction reports for control or collection devices.
(9 VAC 5-80-110 and 40 CFR 60.758(c))
6. **Collection System** - The permittee shall keep for the life of the collection system an up to date, readily accessible plot map showing each existing and planned collector in the system. This map shall also provide a unique identification location label for each collector. Additionally, the permittee shall maintain readily accessible records of the installation date and location of all newly installed collectors.
(9 VAC 5-80-110 and 40 CFR 60.758(d))
7. **Collection System** – The permittee shall maintain for 5 years, readily accessible records of all collection and control system exceedances of the operational standards, including the readings taken in later months showing a return to compliance, and the location where the exceedance occurred.
(9 VAC 5-80-110 and 40 CFR 60.758(e))

8. **Malfunction** – The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the landfill gas collection and control system, any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.
(9 VAC 5-80-110 and 40 CFR 60.7(b))
9. **Compliance** – All records, reports and measurements required to show compliance with Subpart WWW shall be prepared and submitted to the Director, Tidewater Regional Office as listed in 40 CFR 60.755.
(9 VAC 5-80-110, 9 VAC 5-50-50 and 40 CFR 60.755)
10. The permittee or co-operator shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee or co-operator shall have available good written operating procedures and a maintenance schedule for the combustion equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept at the facility and made available for inspection by the DEQ.
(9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. **Nitrogen Testing** – If measured, the nitrogen level at each wellhead shall be determined by using Method 3C.
(9 VAC 5-80-110 and 40 CFR 60.753(c)(1))
3. **Oxygen Testing** – The oxygen level at each wellhead shall be determined by an oxygen meter using Method 3A, except for the following:
 - a. The span shall be set so that the regulatory limit is between 20 and 50 percent of the span.
 - b. A data recorder is not required.
 - c. Only a zero and a span calibration gas are required. Ambient air may be used as span.
 - d. A calibration error check is not required.

- e. The allowable sample bias, zero drift, and calibration drift are +/- 10%.
(9 VAC 5-80-110 and 40 CFR 60.753(c)(2))
4. **Surface Monitoring** – The background concentration of methane during surface emissions monitoring shall be determined for the instrument measuring the surface concentrations of methane by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells. Surface emission monitoring shall be performed in accordance with 40 CFR 60 Appendix A, Method 21, Section 4.3.1, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
(9 VAC 5-80-110 and 40 CFR 60.755(b)(3))
5. **Surface Monitoring Method of Operation** – The portable analyzer used to determine the surface methane concentration shall meet the instrument specifications provided in 40 CFR 60, Appendix A, Method 21, Section 3, except that methane shall replace all references to VOC. The calibration gas shall be methane, diluted to a nominal concentration of 500 ppm in air. To meet the performance evaluation requirements in section 3.1.3 of Method 21, the instrument evaluation procedures of Section 4.4 of Method 21 shall be used. The calibration procedures in Section 4.2 of Method 21 shall be followed immediately before commencing a surface monitoring survey.
(9 VAC 5-80-110 and 40 CFR 60.755(d))
6. **Exit Velocity** – Concurrently with the visible emissions performance tests on the open flare designated FL-1, the actual exit velocity of the open flare shall be determined by Reference Methods 2, 2A, 2C or 2D as appropriate; by the unobstructed (free) cross sectional area of flare tip.
(9 VAC 5-50-410 and 40 CFR 60.18(f)(3))
7. **Initial Performance Testing** – The NSPS, Subpart WWW provides for alternate procedures other than the initial performance test, when adequate treatment of the landfill gas is performed on site. The recognized treatment scenario includes the dewatering of the gas, filtering with a 10-micron screen and the compression of the gas prior to a combustion device. Combustion devices on site include a candle flare, FL-1, the engines, GEN-1, GEN-2, GEN-3 and GEN-4. SPSA and Suffolk Energy Partners, L.P. have indicated that the landfill gas will be treated on-site with dewatering by passing through three knockouts, filtering through two 10 micron screens, cooling in an air-to-air cooler, and compressing to 8 psig in a 300 horsepower blower before being transmitted to the engines and flare. 40 CFR 60.752(b)(2)(iii)(C) does not include an initial performance test for the landfill gas treatment control option. Therefore, any landfill gas energy recovery device, utilizing landfill gas from the facility, which has met the treatment standards included in this condition, will not require an initial performance test of the control equipment
(9 VAC 5-50-30, 9 VAC 5-80-10 J, 40 CFR 60.752(b)(2)(iii)(C))

8. **Emissions Testing** – The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports will be provided, as necessary, in order to facilitate testing at the appropriate locations.

(9 VAC 5-50-30 and Condition #6 of August 18, 1995 permit)

9. **Test Methods** - If testing to demonstrate compliance is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

*The following table **applies** only **to** those pollutants that have emission limits.*

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9, 22

(9 VAC 5-80-110)

E. Reporting

1. The permittee shall submit the design plans for the Gas Collection and Control System, prepared by a professional engineer, to the Administrator within 1 year of determining that the NMOC emission rate is equal to or greater than 50 megagrams per year
 - a. The collection and control system, as described in the plan, shall meet the design requirements.
 - b. The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 to 60.758.
 - c. The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the satisfaction of the DEQ of the sufficiency of the alternative provisions to 40 CFR 60.759.
 - d. The DEQ shall review the information submitted and either approve it, disapprove it, or request additional information be submitted.

(9 VAC 5-80-110 and 40 CFR 60.752(b)(2)(i))

2. The permittee shall submit records annually, reporting instances when positive pressure at a wellhead occurred due to efforts to avoid a fire. If no such instances occur, the permittee shall submit a negative report. Reporting will coincide with the reporting requirement in Condition E.3, below.
(9 VAC 5-50-410 and 40 CFR 60.753(b)(1))
3. Within 180 days after installation and start-up of the approved GCCS, the permittee shall begin submitting annual reports of the following information. Data collection to begin in June, 2004.
 - a. Value and time periods for exceedances of pressure, temperature, nitrogen or oxygen measurements at wellheads.
 - b. Any periods of time that control equipment was bypassed, including dates and the duration of the bypass condition.
 - c. Any periods of control equipment malfunction exceeding one hour, including dates and the duration of the control equipment outage.
 - d. All instances when the GCCS was not operating for more than five consecutive days.
 - e. All instances where surface methane concentrations exceeded 500 ppm; the actual concentration recorded and the location on the plot plan of that exceedance.
 - f. Records of GCCS expansion, including dates, locations and equipment installed in the process of expanding the GCCS.(9 VAC 5-50-410 and 40 CFR 60.757(f))
4. The following shall be submitted as part of the GCCS design plan:
 - a. A diagram of the collection system showing the as-built installations of wells, piping and headers, any abandoned wells and current expansion plans.
 - b. Data that indicates the required density of wells, horizontal collectors, surface collectors, or other gas extraction devices and is utilized to size the gas moving equipment.
 - c. A determination that the gas moving equipment design is adequate for current gas production estimates and future plans for accommodating any increase in the projected gas flow rate.
 - d. Operational plan for the control of off-site migration of methane gas.

- e. The documentation of the presence of asbestos or nondegradable material for each area from which the collection wells have been excluded based on the presence of asbestos or nondegradable material
(9 VAC 5-50-410 and 40 CFR 60.757(g))
 - f. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on non-productivity and the calculations of gas generation flow rate for each excluded area.
5. The permittee shall furnish written notification to the Director, Tidewater Regional Office of the anticipated dates of the performance tests postmarked at least 30 days prior to the date of the tests.

Copies of these written notifications shall be sent to:

Chief, Air Enforcement Branch (3AT20)
U. S. Environmental Protection Agency
Region III, 1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
(9 VAC 5-50-410 and 40 CFR 60.7(a))

F. Requirements for Landfill Closure

1. The GCCS may be capped or removed provided that all of the following conditions are met:
 - a. The landfill shall be a closed landfill. A closed landfill is defined as a landfill in which solid waste is no longer being placed and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed in the General Provisions of 40 CFR 60. A closure report shall be submitted to the DEQ as provided in 40 CFR 60.757(d).
 - b. The GCCS shall have been operating for at least 15 years.
 - c. The calculated NMOC gas production shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart.
(9 VAC 5-50-410, 40 CFR 60.752(b)(2)(v) and 40 CFR 60.757(d))
2. The permittee shall calculate the NMOC emission rate for purposes of determining when the system can be removed using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} \times C_{\text{NMOC}} \quad \text{where:}$$

M_{NMOC} = mass emission rate of NMOC, Megagrams per year
 Q_{LFG} = flow rate of landfill gas, cubic meters per minute
 C_{NMOC} = NMOC concentration, ppmv as hexane

- a. Q_{LFG} shall be determined by measuring the total landfill gas flow rate at the common header pipe to the control device using a gas flow measuring device calibrated according to the provisions of 40 CFR 60, Appendix A, Method 2E, Section 4.
 - b. C_{NMOC} shall be determined by collecting and analyzing landfill gas sampled from the common header pipe using Method 25C or Method 18. The minimum list of compounds shall be those published in the most recent version of AP-42 for Method 18. The sample location on the common header shall be located upstream of any condensate removal or other refining units. The permittee shall divide the NMOC concentration (as methane) from Method 25C by six to obtain the NMOC concentration as hexane.
(9 VAC 5-50-410 and 40 CFR 60.754(b))
3. The permittee shall submit a closure report to DEQ within 30 days of waste acceptance cessation. DEQ may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 9 VAC 20-80-250 E. and F. If a closure report has been submitted to the DEQ, no additional wastes may be placed into the landfill without filing a notification of modification.
(9 VAC 5-50-410 and 40 CFR 60.757(d))
 4. The permittee shall submit an equipment removal report to the DEQ 30 days prior to removal or cessation of operation of the control equipment. The report shall contain the following:
 - a. A copy of the closure report.
 - b. A copy of the GCCS startup report demonstrating that the 15 year minimum control period has expired.
 - c. Dated copies of 3 successive NMOC emission rate reports demonstrating the landfill is no longer producing 50 Mg or greater of NMOC per year.

DEQ may request additional information to verify that all conditions for removal have been met.

(9 VAC 5-50-410 and 40 CFR 60.757(e))

IV. Volatile Organic Compound Liquid Storage Tanks With A Capacity Greater Than 10,000 Gallons

A. Recordkeeping

The owner of each storage vessel as specified in 40 CFR 60.110B(a) shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. This record shall be kept for the life of the vessel.

This condition is applicable to the following emission units: Tanks Diesel 01 and Diesel 02.

(9 VAC 5-40-410, 9 VAC 5-80-110 and 40 CFR 60, Subpart Kb)

V. Facility Wide Conditions

A. Limitations

1. The opacity standard (visible emission standard) shall apply at all times except during periods of startup, shutdown and malfunction.
(9 VAC 5-50-20 A and 9 VAC 5-80-110)
2. At all times, including periods of startup, shutdown and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Virginia Department of Environmental Quality, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspections of the source.
(9 VAC 5-50-20 E, 9 VAC 5-50-380, 9 VAC 5-20-180 A and 9 VAC 5-80-110)
3. In case of shutdown or bypassing, or both, of air pollution control equipment for necessary scheduled maintenance which results in excess emissions for more than one hour, the intent to shut down such equipment shall be reported to the board and local air pollution control agency, if any, at least 24 hours prior to the planned shutdown. Such prior notice shall include, but is not limited to, the following:
 - a. Identification of the specific facility to be taken out of service as well as its location and permit or registration number;
 - b. The expected length of time that the air pollution control equipment will be out of service;
 - c. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period; and,

- d. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage of the air pollution control equipment.

(9 VAC 5-50-380, 9 VAC 5-20-180 and 9 VAC 5-80-110)

4. In the event that any affected facility or related air pollution equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as is practicable but no later than four daytime business hours, notify the board by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the board.

(9 VAC 5-50-380, 9 VAC 5-20-180 C and 9 VAC 5-80-110)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
02	Compost Operation	5-80-720 B	VOC	N/A
03	Ferrous Metals Recovery	5-80-720 B	PM	N/A
04	Tire Shredding	5-80-720 B	PM	N/A
05	Leachate Lagoon	5-80-720 B	VOC	N/A
06	Diesel storage tank	5-80-720 C	VOC	10,000 gallons
07	Diesel storage tank	5-80-720 C	VOC	10,000 gallons
08	Hydraulic oil tank	5-80-720 C	VOC	3000 gallons
09	Motor oil tank	5-80-720 C	VOC	2500 gallons
10	Waste oil tank	5-80-720 C	VOC	2000 gallons
11	Diesel water tank	5-80-720 C	POC's	100 HP

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subpart Cc	Emission Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills	This subpart is not applicable to the landfill because of recent modifications to the capacity.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete renewal application to the Department consistent with 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal, but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied, and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit, by the deadline specified in writing by the Board, any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ. Reports shall cover a period of six months. The reporting periods shall be from the first day of the month to the last day of the sixth month. Reports shall be postmarked or delivered no later than 60 days following the end of the reporting period. The first reporting period shall commence on January 1, 2003. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for a period of twelve months. The report shall be postmarked or delivered no later than 60 days following the end of the twelve-month period. The reporting period begins February 1, 2003. The reporting periods shall coincide with the monitoring reporting periods. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office, within 4 daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction, and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner or operator shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

- a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;

- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner and co-operator of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and co-operator and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
6. Post speed limit signs and enforce truck and other vehicle speed limits on site.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee or co-operator shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.

- d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

IX. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions
(former Rule 5-2)
2. 9 VAC Chapter 50, Part II, Article 3: Standards of Performance for Toxic Pollutants
(former Rule 5-3)

(9 VAC 5-80-110 N and 9 VAC 5-80-300)